

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

30201-30250

[Approved by the Acting Secretary of Agriculture, Washington, D. C., April 13, 1939]

30201. Misbranding of Murphy's Chick Tablets, Murphy's Mur-Cop Tablets for Poultry, Murphy's Swine Alkalizer, Murphy's Poultry R-C Tablets, Murphy's Flock Vaporizer, and Murphy's Poultry Respiratory Stimulant. U. S. v. Murphy Products Co. Plea of nolo contendere. Fine, \$150. (F. & D. No. 40790. Sample Nos. 19898-C, 19900-C, 20052-C, 20054-C, 20055-C, 20056-C.)

The labeling of these products bore false and fraudulent curative and therapeutic claims.

On June 4, 1938, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Murphy Products Co., a corporation, Burlington, Wis., alleging shipment by said company in violation of the Food and Drugs Act as amended, within the period from on or about December 28, 1936, to on or about May 7, 1937, from the State of Wisconsin into the State of Iowa of quantities of the above-named drugs which were misbranded.

Analyses of samples showed that the Chick Tablets consisted essentially of copper sulfate (50.4 percent), boric acid (18.6 percent), and a compound of aluminum; that the Mur-Cop Tablets for Poultry consisted essentially of copper sulfate (49.9 percent), boric acid (14.9 percent), and an aluminum compound colored with a blue dye; that the Swine Alkalizer consisted essentially of sodium carbonate (87.7 percent), and cresol (6.3 percent), flavored with anise and colored with a red dye; that the Poultry R-C Tablets consisted essentially of sodium chloride (83 percent), boric acid (6.3 percent), and a zinc compound; that the Flock Vaporizer consisted essentially of methyl salicylate and cresol colored with a red dye; and that the Poultry Respiratory Stimulant consisted essentially of cresol, guaiacol, oil of eucalyptus, oil of camphor, oil of anise, soap, and water.

The articles were alleged to be misbranded in that the labeling bore certain statements, designs, and devices regarding their therapeutic and curative effects which were false and fraudulent as follows:

The Chick Tablets were falsely and fraudulently represented to be effective to aid in warding off the spread of such contagions as "S. Pullorum Infection," coccidiosis, and other intestinal disturbances that may be transmitted by contaminated drinking water; and effective to cause contraction, arrest discharge, and aid in warding off disease.

The Mur-Cop Tablets for Poultry were falsely and fraudulently represented to be effective to aid in warding off spread of contagions such as coccidiosis, diarrhea, dysentery, fowl typhoid, avian hemorrhagic septicemia (fowl cholera), and others of the intestinal tract in poultry that may be transmitted by contaminated drinking water.

The Swine Alkalizer was falsely and fraudulently represented to be effective as a swine alkalizer and for unbalanced alkalinity of the tissues and fluids of swine; as an aid in giving relief in necrotic enteritis and other intestinal disturbances in swine; and as an intestinal antiseptic.

The Poultry R-C Tablets were falsely and fraudulently represented to be effective as a sterilizer, prophylactic, and antiseptic; effective to aid in warding off the spread of contagions, such as roup, catarrh, influenza, brooder pneumonia, diphtheria, chickenpox, and others of the respiratory tract that may be transmitted by contaminated drinking water; effective as an antiseptic hindering and acting against the growth and spread of poisonous and contagious germs, as a sterilizing agent against bacteria, and as a prophylactic to ward off contagions that may be transmitted from one bird to another by poultry drinking water.

The Flock Vaporizer was falsely and fraudulently represented to be effective as an aid in warding off the spread of such contagions as roup, catarrh, influenza, brooder pneumonia, chickenpox, diphtheria, and others of the respiratory tract in poultry that may be transmitted by contaminated air; effective as a treatment for affected heads, mouths, nostrils, mucous membranes and respiratory passages; effective to destroy infection, to destroy microbes, to ward off contagion, and to destroy poisonous germs; and effective as a prophylactic, antiseptic, and germicide, and to prevent the spread of contagion.

The Poultry Respiratory Stimulant was falsely and fraudulently represented to be effective as a poultry respiratory stimulant, as a bronchial alleviator, an antiseptic, a gastro-intestinal antiseptic, and as an antifermentative; effective to hinder and act against the spread of contagions such as roup, catarrh, influenza, brooder pneumonia, chickenpox, diphtheria, and other diseases of the respiratory tract in poultry flocks; and effective when used in conjunction with Murphy's Flock Vaporizer and Murphy's R-C Drinking Water Tablets, as a definite aid in the treatment of respiratory tract diseases.

The information also charged adulteration and misbranding of a product known as Dri-Disinfectant in violation of the Insecticide Act of 1910, reported in notice of judgment No. 1656 published under that act.

On January 9, 1939, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$25 on each count, the fines on the counts charging violation of the Food and Drugs Act amounting to \$150.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30202. Misbranding of Cal-co-cin. U. S. v. One Package and Two Bottles of Cal-co-cin. Default decrees of condemnation and destruction. (F. & D. Nos. 44331, 44397. Sample Nos. 34424-D, 34644-D.)

This product was misbranded because its label bore a statement purporting to indicate its ingredients, which statement failed to indicate the presence of cinchophen, an important ingredient.

On or about November 12 and 22, 1938, the United States attorney for the District of Maryland, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of one package of Cal-co-cin at Frederick, Md., and two bottles of Cal-co-cin at Taneytown, Md.; alleging that the article had been shipped in interstate commerce in part on or about August 17, and in part on or about October 20, 1938, by the Crescent-Kelvan Co. from Philadelphia, Pa.; and charging misbranding in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the statement on the label, "Bi Calcium-Ortho-Benzycin," was false and misleading, since it consisted of the calcium salts of benzoic acid and cinchophen. It also was alleged to be misbranded in violation of the Federal Food, Drug, and Cosmetic Act.

On December 5 and 15, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30203. Adulteration and misbranding of prophylactics. U. S. v. 20 Gross of Rubber Prophylactics. Default decree of condemnation and destruction. (F. & D. No. 44557. Sample Nos. 34347-D, 34356-D.)

Samples of this product were found to be defective in that they contained holes.

On December 20, 1938, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 gross of prophylactics at Washington, D. C.; alleging that the article was in possession of the Columbia Wholesale Sundries of Washington, D. C., and was being offered for sale in the District of Columbia; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "X Cello's."

It was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold.

It was alleged to be misbranded in that the following statement in the labeling was false and misleading: "X Cello's * * * Sold for Prevention of Disease."

On January 14, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*